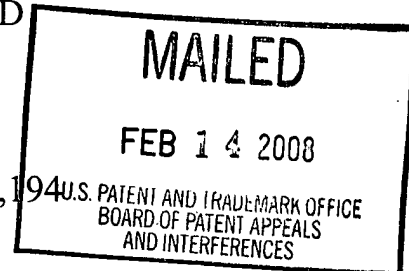


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN SOLOMON,
MOSHE SHIKE AND
SAM KLEIN

Application No. 10/702,194



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 7, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

A Reply Brief was filed on July 6, 2007 in response to the Examiner's Answer mailed May 7, 2007. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

... After receipt of a reply brief in compliance with [37 CFR] § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief


A review of the application indicates that the reply brief has not been considered by the examiner. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) for consideration of the reply brief filed July 6, 2007;
- 2) for written acknowledgment of entry of reply brief to the appellants; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

cc: PROSKAUER ROSE LLP
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